

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 616

Filed: 22 January 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARD TOBINICK,
Junior Party
(Application 12/714,205),

v.

KJELL OLMARKER and BJÖRN RYDEVIK
Senior Party
(Patents 7,708,995, 7,811,990, 7,906,481, 8,057,792, and 6,649,589).

Patent Interference No. 105,866
(Technology Center 1600)

*Before Richard Torczon, Sally Gardner Lane, and Deborah Katz, Administrative
Patent Judges.*

Katz, Administrative Patent Judge.

JUDGMENT

1
2

1 Further to the Decision on Motions (Paper 615), finding all of Tobinick involved
2 claims 68, 69, and 71-80 unpatentable under 35 U.S.C. § 112, first paragraph, for lack
3 of sufficient written description, it is **ORDERED** that judgment is awarded against Junior
4 Party Tobinick.

5 **FURTHER ORDERED** that claims 68, 69, and 71-80 of Tobinick Patent
6 Application 12/714,205 are **FINALLY REFUSED**. 35 U.S.C. § 135(a).

7 **FURTHER ORDERED** that attention is directed to 35 U.S.C. § 135(c) Bd. R. 205
8 regarding the filing of settlement agreements.

9 **FURTHER ORDERED** that a copy of this JUDGMENT shall be placed in the files
10 of (1) Tobinick Patent Application 12/714,205, (2) Olmarker Patent 7,708,995, (3)
11 Olmarker Patent 7,811,990, (4) Olmarker Patent 7,906,481, (5) Olmarker Patent
12 8,057,792, and (6) Olmarker Patent 6,649,589.

13

cc (via e-mail):

Attorney for Tobinick:

Robert W. Hahl, Esq.
Richard A. Neifeld, Esq.
NEIFELD IP LAW, PC
Email: rhahl@neifeld.com
Email: rneifeld@neifeld.com

Attorney for Olmarker:

Todd R. Walters, Esq.
Christopher L. North, Esq.
Erin M. Dunston, Esq.
BUCHANAN INGERSOLL & ROONEY PC
Email: todd.walters@bipc.com
Email: christopher.north@bipc.com
Email: erin.dunston@bipc.com